

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

APRESE SYSTEMS TEXAS, LLC,

Plaintiff

v.

**AUDI AG AND AUDI NORTH
AUSTIN,**

Defendants

Case No. 6:21-cv-01014-ADA

JURY TRIAL DEMANDED

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Aprese Systems Texas, LLC (“Plaintiff” or “Aprese”) files this Complaint against Defendants AUDI AG and Audi North Austin (collectively “Audi” or “Defendants”) for infringement of Aprese’s patents: U.S. Patent Nos. 8,887,155, 8,732,697, 9,207,924, and 10,255,059.

THE PARTIES

1. Plaintiff and patent owner Aprese is a Texas limited liability company with its headquarters and principal place of business in Austin, Texas.
2. AUDI AG is a foreign corporation with its principal place of business at Eettinger Strasse, D-85045, Ingolstadt, Germany.
3. Audi North Austin is an assumed name under which Hi Tech Imports North, LLC operates an established place of business in the district to sell, offer to sell, use, make and/or imports Accused Products.

4. Audi North Austin is a Texas Corporation having a principal place of business at 12971 Pond Springs Rd., Austin, Texas 78729 and may be served with process via its registered agent: Ricardo Weitz, 3800 Southwest Freeway, Suite 300, Houston, Texas 77027.

JURISDICTION AND VENUE

5. This is a patent suit brought under the United States Patent Act, namely 35 U.S.C. §§ 271, 281, and 284-285, among other laws. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b) and 28 U.S.C. § 1392(c)(3). Audi North Austin is headquartered in and does business in this judicial district. AUDI AG is a foreign entity and has a regular and established place of business in the Western District of Texas through its agent, Audi North Austin and other authorized dealerships, through which AUDI AG exclusively distributes new automobiles, accessories, and parts in this District. Further, AUDI AG conducts its business of the provision of new purchase warranties and services pursuant to those warranties to the consuming public in this District through its authorized dealerships, like Audi North Austin, located in the Western District of Texas. Defendants market, sell, and deliver accused products in this district, direct and instruct customers and end users how to use the accused products in this district, and have committed acts of infringement in this judicial district.

7. As a resident of Texas, Audi North Austin is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas

Long-Arm Statute. As an entity that has sufficient minimum contacts in Texas, AUDI AG is subject to this Court's specific personal jurisdiction pursuant to due process and/or the Texas Long-Arm Statute. Defendants conduct substantial business in this State and judicial district, including at least part of the infringing activities, regularly conduct and solicit business in Texas, and derive substantial revenue from selling goods to Texas residents.

THE APRESE PATENTS

8. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,887,155 (the "155 Patent"), titled SYSTEM, METHOD, AND APPARATUS FOR MANAGING APPLICATIONS, INFORMATION, AND SERVICES, which was issued on November 11, 2014. A copy of the '155 Patent is available from the U.S. Patent Office at

<https://pdfpiw.uspto.gov/piw?Docid=8887155+&idkey=NONE&homeurl=http%3A%252F%252Fpatft.uspto.gov%252Fnethtml%252FPPTO%252Fpatimg.htm>.

9. Plaintiff is the owner, by assignment, of U.S. Patent No. 9,207,924 (the "924 Patent"), titled APPARATUS FOR ENABLING DELIVERY AND ACCESS OF APPLICATIONS AND INTERACTIVE SERVICES SYSTEM, which was issued on December 8, 2015. A copy of the '924 Patent is available from the U.S. Patent Office at

<https://pdfpiw.uspto.gov/piw?Docid=9207924+&idkey=NONE&homeurl=http%3A%252F%252Fpatft.uspto.gov%252Fnethtml%252FPPTO%252Fpatimg.htm>.

10. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,732,697 (the

“’697 Patent”), titled SYSTEM, METHOD AND APPARATUS FOR MANAGING APPLICATIONS ON A DEVICE, which was issued on May 20, 2014. A copy of the ’697 Patent is available at

<https://patents.google.com/patent/US8732697B2/en?q=8%2c732%2c697>.

11. Plaintiff is the owner, by assignment, of U.S. Patent No. 10,255,059 (the “’059 Patent”), titled METHOD APPARATUS AND SYSTEMS FOR ENABLING DELIVERY AND ACCESS OF APPLICATIONS AND SERVICES, which was issued April 9, 2019. A copy of the ’059 Patent is available at

<https://patents.google.com/patent/US10255059B2/en?q=10%2c255%2c059>.

12. Aprese possesses all rights of recovery under the Asserted Patents.

AUDI PRODUCTS

13. On information and belief, Audi makes, imports, sells, offers to sell, distributes, licenses, markets and/or uses the Audi in-dash multimedia “infotainment” systems such as those installed, offered for sale, sold, and delivered by Defendants in Audi vehicles (e.g., the Audi Q3 and Audi Q5) and may include and/or comprise at least in part the Audi tablet and Audi smartphone interface, firmware, and application software. See, e.g., <https://www.audi-mediacycenter.com/en/technology-lexicon-7180/infotainment-7183>. Audi North Austin advertises its infotainment system. <https://www.audinorthaustin.com/audi-unveils-android-infotainment-system.htm>.

14. Audi North Austin, sells and offers to sell the Accused Products in Audi vehicles.

12/29/21, 1:03 PM

Audi North Austin

Sales: 855-307-1047 Service: 855-624-2335 Parts: 855-878-7163



Audi North Austin
© 12971 Pond Springs Road • Austin, TX 78729

[We Buy Cars - Find Out More >](#)



2018 Q5
Starting at \$41,500 MSRP*

- [Find your Q5](#)
- [See Q5 Offers](#)
-

Progress is never blending in
See how the
Audi Q5
measures up

Inimitable design. Striking performance. Outstanding intelligence. This is how we've redesigned the 2018 Audi Q5. This is why the Q5 stands apart.

12/29/21, 1:03 PM

Audi North Austin



- Overview
- Design
- 252-hp turbocharged engine
- Increased cargo capacity
- Audi pre sense® city
- quattro® with ultra® technology

Technology

The lap — and mind — of luxury

[Audi virtual cockpit](#) [MMI® touch](#)

Appointed with rich infotainment systems, the Audi Q5 lets you live the good life. The available Audi virtual cockpit is a fully digital 12.3-inch instrument cluster that allows the driver to customize information such as navigation & audio, offering classic and infotainment modes as well as Google Earth™ or Google Street View™ screen options.

[View key feature info](#)

<https://audinorthaustin.com/2018-q5.htm>

Audi North Austin
12971 Pond Springs Road • Austin, TX 78729

Hybrid & Electric ▾ New Inventory ▾ Pre-Owned ▾ Service & Parts ▾ Finance

We Buy Cars - Find Out More >

33 Vehicles Sort by ▾

Price +

Year -

2021 ¹

2022 ³²

Model -

A6 ¹

Q3 ¹²

Q5 ¹⁵

Q5 e ¹

Q8 ¹

RS Q8 ¹

S3 ¹




SQ7 ¹

Trim -

2.0T Premium Plus ¹

4.0T ¹

A 1T Premium Blue ¹

		
2022 Audi Q3 Premium S Line SUV \$48,315	2022 Audi Q5 45 S line Premium SUV \$49,140	2022 Audi Q5 45 S line Premium SUV \$49,140
Info Pricing	Info Pricing	Info Pricing
21/28 mpg City/Hwy 2.0L I-4 cyl Engine 8-Speed Automatic with Tiptronic AWD	23/28 mpg City/Hwy 2.0L I-4 cyl Engine 7-Speed Automatic S tronic AWD	23/28 mpg City/Hwy 2.0L I-4 cyl Engine 7-Speed Automatic S tronic AWD
● Navarra Blue Metallic Exterior ● Rotor Gray Interior Stock #: A16383	● Daytona Gray Pearl Effect Exterior ● Okapi Brown Interior Stock #: A16385	● Mythos Black Metallic Exterior ● Okapi Brown Interior Stock #: A16384
✓ Convenience Package ✓ Wheels: 19" 5-Double-Arm Design Bi-	✓ Convenience Package ✓ Wheels: 19" 5-Double-Arm Design Bi-	✓ Convenience Package ✓ Wheels: 19" 5-Double-Arm Design Bi-

[New Audi for Sale in Austin, TX | Audi North Austin](#)

15. The Accused Products are compatible with Apple CarPlay and Android Auto.



Smartphone integration, e.g. Android Auto or Apple CarPlay

If your vehicle has the corresponding equipment, you can link your smartphone or other mobile device to the vehicle so you can control the control elements integrated in the vehicle. If you do, you can have video and sound from your smartphone stream via the multimedia system. At the same time, certain information will be transmitted to your smartphone. Depending on the type of integration, this includes for example, location data, day/night mode and other general vehicle information. More information can be found in the operating manual for the vehicle/infotainment system as well as under "Special information".

The integration enables the use of selected smartphone apps, such as navigation or music replay. There is no further interaction between the smartphone and the vehicle; in particular, there is no active access to vehicle data. The type of other data processing is determined by the provider of the app used. Whether and which settings you can adjust depends on the relevant app and your smartphone's operating system.

[Privacy Audi Connect | audi.com](#)



Audi smartphone interface

The Audi smartphone interface brings Apple Car Play and Android Auto and thus the familiar smartphone environment into the vehicle. Content such as navigation, phone, music and select third-party apps appear in a separate MMI menu or the Audi virtual cockpit (in the Audi TT and Audi R8). Customers can use the car operating system to conveniently access the contents of an iOS or Android device (iOS 7.1 and above, Android at least 5.0 Lollipop) that is connected via the USB port. The Audi smartphone interface acts independently of the navigation system and Audi connect services.



Audi tablet

The Audi tablet has a high-resolution 10.1-inch screen (1,920 x 1,200 pixels) and serves as a flexible Rear Seat Entertainment system. The tablet, which can be ordered in some large models, connects to MMI navigation plus via Wi-Fi. This gives it access to the menus for Radio, Media, Navigation and Car functions. The data transfer runs in both directions – rear passengers can send a planned route to the driver, for instance or, conversely, the driver could start a radio or media program for them from MMI navigation plus.

The Audi tablet, which uses the Android operating system, supports NFC technology (NFC = near field communication) for transmitting data from other Android devices when they are in close proximity. It has 32 gigabytes of internal memory; a microSD card can be used for additional memory.

<https://www.audi-mediacycenter.com/en/technology-lexicon-7180/infotainment-7183>

16. The Accused Products are compatible with Alexa, Siri, and Google Assistant.

Audi is adding Alexa to the E-Tron and other select models

Rollout will begin in January 2019.



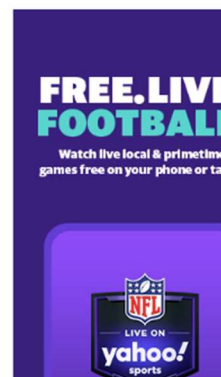
M. Moon
@mariella_moon
September 18th, 2018

Message icons for Facebook and Twitter.

In this article: alexa, amazon, audi, gear, transportation



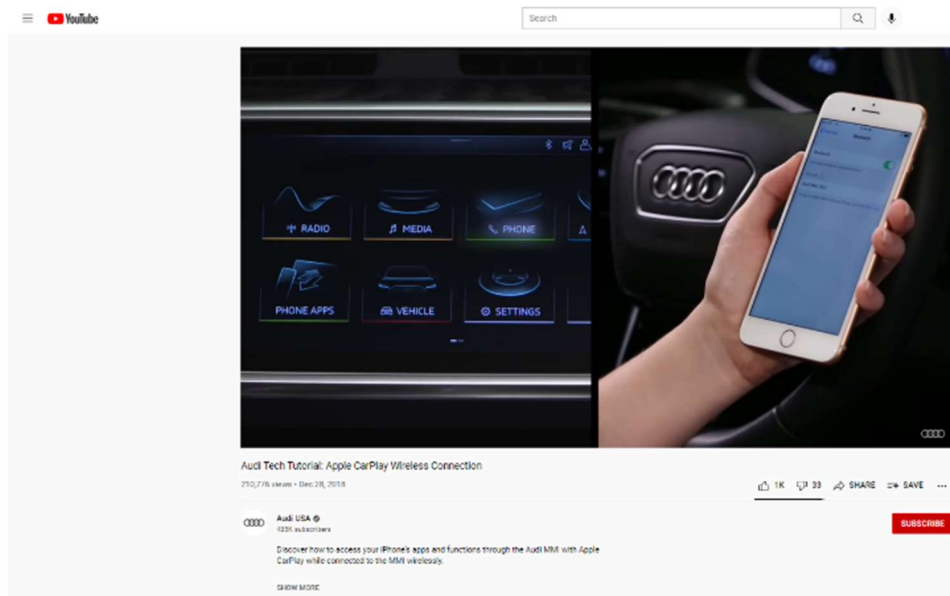
Audi



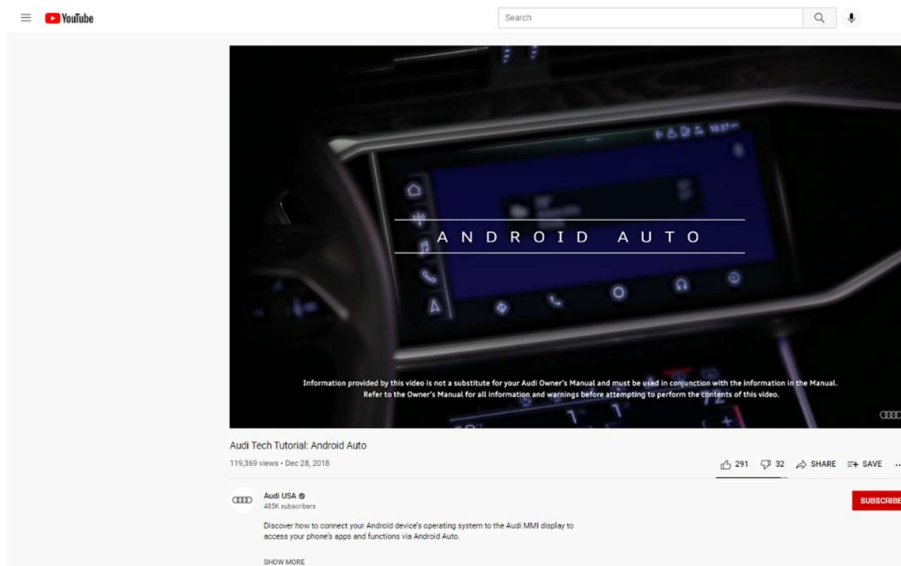
<https://www.engadget.com/2018-09-18-audi-alexa-etron.html>

17. Audi instructs and encourages its customers to enable and use

applications compatible with the Accused Products including Apple CarPlay, Android Auto, Alexa, Siri, Google Assistant. For example, Audi publishes instructional videos on YouTube and their website:



[Audi Tech Tutorial: Apple CarPlay Wireless Connection - YouTube](#)

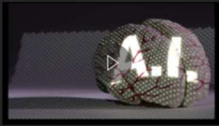


[Audi Tech Tutorial: Android Auto - YouTube](#)


Audi MediaTV

Audi MediaTV


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Going downhill - the Audi e-tron prototype braking test at Pikes Peak

Replay previous video

12/22/14 | Technology
Audi Q7 - Audi tablet

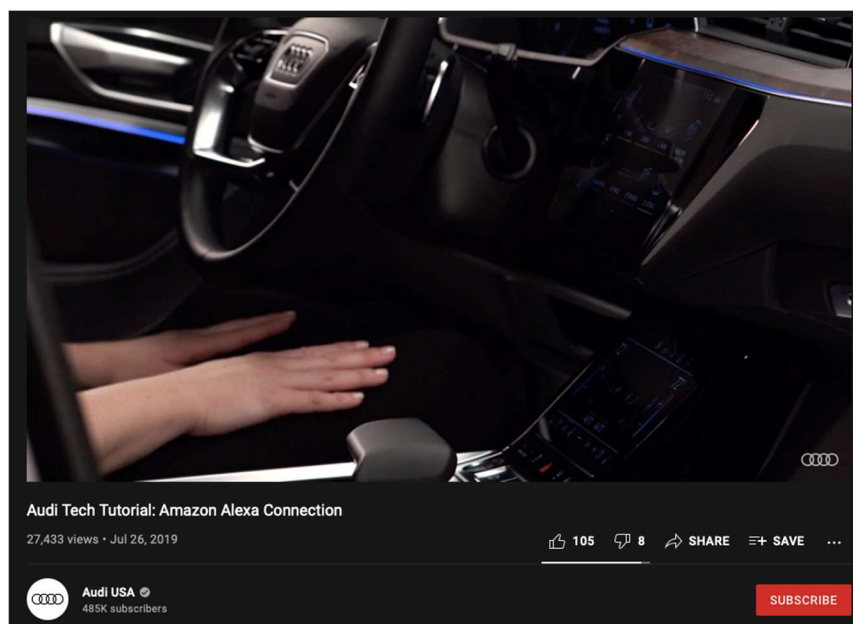
Audi is breaking new ground in rear seat entertainment. The Audi tablet can stand up to the demanding challenges in the car - it is temperature-resistant and offers the necessary crash safety lacking in conventional end-device solutions. The Audi tablet is connected to the MMI navigation plus via WiFi, thus gaining access to the radio, media, navigation and car functions of the Audi Q7.

Fuel consumption in l/100 km: combined 8.3 - 5.5; CO2 emissions combined in g/km: 199 - 48
Fuel consumption and CO2 emissions data as well as the efficiency classes are dependent on the choice of wheels and tyres.

⌚ Duration: 1:07 min | 🆔 ID: 2454en | 🏷️ Tags: Q7 Audi tablet HMI CES Las Vegas Audi tablet MMI Touch Human-Machine-

⬇️ 🛒 ⏪ ⏩ 🔄


<https://www.audi-mediacycenter.com/en/audimediaticv/video/audi-q7-audi-tablet-2462>



Audi Tech Tutorial: Amazon Alexa Connection

27,433 views • Jul 26, 2019

👍 105 🗨️ 8 ➦ SHARE ➦ SAVE ...

 Audi USA ©
485K subscribers

SUBSCRIBE

<https://www.youtube.com/watch?v=yRx3YYbgRcA>

18. Audi North Austin instructs and encourages its customers to enable and use applications compatible with the Accused Products including Apple CarPlay, Android Auto, Alexa, Siri, and Google Assistant. For example, Audi North Austin promotes the use of Apple CarPlay and Android Auto with the Accused Products on their website:

Technology

You can stay connected to your outside world with the Audi virtual cockpit that is placed right in front of you to make gaining information and changing your music an easy task. The fully digital 12.3-inch information display customizes information, such as MMI navigation plus and audio settings, as well as Google Earth imagery. You can integrate your smartphone using Apple CarPlay™ and Android Auto™ that allows you to have access to your music, apps, contacts, and more all right in front of you. You can listen to your music through the available Bang & Olufsen sound system that features 12 fully active loudspeakers and 680 watts of power working together for exceptional sound quality.

<https://www.audinorthaustin.com/inventory/new/audi-tt-austin.htm>

Audi Technology

Experience unparalleled peace of mind and connectivity in a new Audi model today. Explore the innovative world of Audi's new e-tron® lineup that features not just cutting-edge battery technology but also a next-level user-interface loaded with intuitive features. Learn more about the new Audi e-tron's advanced 95 kWh battery that is capable of offering a quick 22.5 minutes charge, going from 5% to 80% at a public DC fast charger. Whichever Audi model you choose, you'll enjoy Audi's variety of impressive entertainment technology including everything from a Bang & Olufsen® sound system and Apple CarPlay® to an MMI® touch display system and Audi connect®. As for advanced safety technology, Audi offers multiple available Driver Assistance features that include:



- Available 10.1" MMI® touch display infotainment or up to 12.3" full HD-resolution display in some models.
- Intelligent and intuitive Audi connect® for seamless smartphone integration.
- Available Bang & Olufsen® 3D Premium Sound System for an immersive sound and music experience.
- Available top view camera system with Virtual 360 view for easy parking, reversing, and unloading.
- Apple CarPlay® and Google™ Android Auto™ with available wireless connectivity.
- Available Audi pre sense® basic and Audi pre sense® city for peace of mind throughout your journey.
- Audi adaptive cruise control with Traffic Jam Assist and Audi active lane assist with emergency assist for a stress-free car driving experience.

<https://www.audinorthaustin.com/audi-information.htm>

Specifications

> Body Exterior
> Powertrain
> Warranty
> Suspension / Handling
> Specs and Dimensions
> Entertainment Features
> Lighting, Visibility and Instrumentation
> Safety and Security
> Seats and Trim
> Convenience Features

- AM/FM radio
- Steering wheel mounted audio controls
- Wireless phone connectivity - Bluetooth
- Primary LCD size - 10.1"
- Smart device integration - Audi smartphone interface (Apple CarPlay/Android Auto)
- Radio data system
- Speakers - 10
- 1st row LCD monitors - 2
- Diversity antenna

<https://www.audinorthaustin.com/showroom/2022/Audi/A4/Sedan.htm>

NOTICE OF APRESE'S PATENTS

19. Plaintiff is the owner, by assignment, of U.S. Patent No. 9,210,214 (the "214 Patent"), titled SYSTEM, METHOD AND APPARATUS FOR ENABLING ACCESS TO APPLICATIONS AND INTERACTIVE SERVICES, which issued on December 8, 2015. A copy of the '214 Patent is available at <https://patents.google.com/patent/US9210214B2/en?q=9%2c210%2c214>.

20. Plaintiff is the owner, by assignment, of U.S. Patent No. 9,215,273 (the "273 Patent"), titled APPARATUS FOR ENABLING DELIVERY AND ACCESS OF APPLICATIONS AND INTERACTIVE SERVICES, which issued on December 8, 2015. A copy of the '273 Patent is available at <https://patents.google.com/patent/US9215273B2/en?q=9%2c215%2c273>.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 8,887,155

21. Plaintiff incorporates the above paragraphs herein by reference.

22. The '155 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

23. The Accused Products are designed to connect to provide interactive services using applications.

24. Defendant AUDI AG has infringed and continues to infringe one or more claims, including claims 1, 12, and 15 of the '155 Patent by making, using, importing, selling, and/or, offering for sale the Accused Products in the United States without authority.

25. Defendant Audi North Austin has infringed and continues to infringe one or more claims, including claims 1, 12, and 15 of the '155 Patent by making, using, importing, selling, and/or, offering for sale the Accused Products in the United States without authority.

26. Defendant AUDI AG has infringed and continues to infringe the '155 Patent directly in violation of 35 U.S.C. § 271.

27. Defendant AUDI AG has infringed and continues to infringe the '155 Patent through acts of inducement in violation of 35 U.S.C. § 271.

28. Defendant Audi North Austin has infringed and continues to infringe the '155 Patent directly in violation of 35 U.S.C. § 271.

29. Defendant Audi North Austin has infringed and continues to infringe the '155 Patent through acts of inducement in violation of 35 U.S.C. § 271.

30. Defendant AUDI AG encourages others, including their customers, to use the Accused Products in the United States without authority.

31. Defendant Audi North Austin encourages others, including their customers, to use the Accused Products in the United States without authority.

32. Claim 1 of the '155 Patent recites:

1. A media device for providing interactive services using applications, said media device comprising:
 - a. at least one non-transitory computer-readable storage medium having a computer-readable program stored therein, said computer-readable program executable by a processor associated with said media device;
 - b. said computer-readable program comprising sets of instructions to enable said processor to:
 - i. associate with a client device;
 - ii. receive a plurality of information comprising a first application identification information from said client device, wherein said plurality of information is based on at least one of an environment, a user interaction event and activity on said client device;
 - iii. identify a first application using said first application identification information;
 - iv. enable access to said first application on said media device;

and

- v. enable display of information related to at least one of applications and media on a display associated with said media device.

33. As exemplified in the information referenced in the above paragraphs and the use of one or more of the Accused Products, the Accused Products include media devices such as the Audi tablet and Audi smartphone interface, compatible with Apple CarPlay and Android Auto, for providing interactive services using applications.

34. As exemplified in the information referenced in the above paragraphs and the use of one or more of the Accused Products, the Accused Products include at least one non-transitory computer-readable storage medium having a computer-readable program stored therein, the computer-readable program executable by a processor associated with the media device.

35. As exemplified in the information referenced in the above paragraphs and the use of one or more of the Accused Products, the Accused Products include a computer-readable program comprising sets of instructions to enable the processor to associate with a client device, receive a plurality of information comprising a first application identification information from client device, wherein the plurality of information is based on at least one of an environment, a user interaction event and activity on client device, identify a first application using first application identification information, enable access to first application on media device; and

enable display of information related to at least one of applications and media on a display associated with media device (e.g., icons, application names, media content identifiers and/or web content).

36. Defendant AUDI AG knowingly encourages, aids, and directs others (e.g., end users and customers) to use and operate the Accused Products in an infringing manner. For example, AUDI AG encourages others, including its customers, to purchase the Accused Systems, and to access, use and/or download applications using its infotainment systems in violation of Aprese's patent rights.

37. Defendant Audi North Austin knowingly encourages, aids, and directs others (e.g., end users and customers) to use and operate the Accused Products in an infringing manner. For example, Audi North Austin encourages others, including its customers and purchasers of its cars, to purchase the Accused Systems, and to access, use, and/or download applications using its infotainment systems in violation of Aprese's patent rights.

38. Defendant AUDI AG has specifically intended and continues to intend, for persons who acquire and use the Accused Products, including Defendant's customers, to use the Accused Products in a manner that infringes the '155 Patent. This is evident when AUDI AG encourages and instructs its customers and other end users in the use and operation of the Accused Products via advertisements, technical materials, instructional materials, communications through their dealership network, and otherwise.

39. Defendant Audi North Austin has specifically intended and continues to

intend, for persons who acquire and use the Accused Products, including Defendant's customers, to use the Accused Products in a manner that infringes the '155 Patent. This is evident when Audi North Austin encourages and instructs its customers and other end users in the use and operation of the Accused Products via advertisements, technical materials, instructional materials, communications through their dealership network, and otherwise.

40. With knowledge of the asserted patents, asserted claims, and how the Accused Products practice them, Defendant AUDI AG specifically intends the Accused Products to be used and operated to infringe one or more claims, including at least claim 1, of the '155 Patent.

41. With knowledge of the asserted patents, asserted claims, and how the Accused Products practice them, Defendant Audi North Austin specifically intends the Accused Products to be used and operated to infringe one or more claims, including at least claim 1, of the '155 Patent.

42. Defendants encourage, direct, aid, and abet the use, configuration, and installation of the Accused Products.

43. Defendants have instructed and continue to instruct customers and end users how to use the Accused Products in an infringing manner.

44. Defendants have undertaken no effort to modify the Accused Products or instruct customers or end-users how to avoid infringement.

45. Defendants' analysis and knowledge of the '155 Patent combined with their ongoing activity demonstrates Defendants' knowledge and intent that the

identified features of its Accused Products be used to infringe the '155 Patent.

46. Plaintiff has been damaged by Defendants' infringement of the '155 Patent.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 9,207,924

47. Plaintiff incorporates the above paragraphs herein by reference.

48. The '924 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

49. The Accused Products are designed to connect to provide interactive services using applications.

50. Defendant AUDI AG has infringed and continues to infringe one or more claims, including claim 9, of the '924 Patent by making, using, importing, selling, and/or, offering for sale the Accused Products in the United States without authority.

51. Defendant Audi North Austin has infringed and continues to infringe one or more claims, including claim 9, of the '924 Patent by making, using, importing, selling, and/or, offering for sale the Accused Products in the United States without authority.

52. Defendant AUDI AG has infringed and continues to infringe the '924 Patent either directly or through the acts of inducement in violation of 35 U.S.C. § 271.

53. Defendant Audi North Austin has infringed and continues to infringe the '924 Patent either directly or through the acts of inducement in violation of 35 U.S.C. § 271.

54. AUDI AG encourages others, including their customers, to use the Accused Products in the United States without authority.

55. Audi North Austin encourages others, including their customers, to use the Accused Products in the United States without authority.

56. Claim 9 of the '924 Patent recites:

9. A non-transitory computer-readable storage medium having at least a computer-readable program stored therein, said computer-readable program comprising sets of instructions executable by a processor, said computer-readable program comprising a one or more set of instructions when executed by a processor enables a provider device to at least:

- i. associate said provider device with a consumer device;
- ii. receive a first plurality of information from said consumer device, said first plurality of information comprising information related to a one or more applications;
- iii. determine at least a portion of a second plurality of information, based on at least information comprising at least a portion of said first plurality of information;
- iv. send at least a portion of said second plurality of information to said consumer device, sending at least a portion of said second plurality of information to said consumer device enables said consumer device to at least:

at least one or more of determine a first application comprising

sets of instructions executable by a processor, access said first application and execute a set of instructions associated with said first application; and

vi. associate a first user interface element with at least a first set of instructions, said first user interface element associated with said provider device, an interaction with said first user interface element enables execution of said first set of instructions, execution of said first set of instructions enables at least one or more of determining at least a portion of said second plurality of information and sending at least a portion of said second plurality of information to said consumer device.

57. As exemplified in the information referenced in the above paragraphs and the use of one or more of the Accused Products, the Accused Products include a provider device and consumer device, comprising in part the Audi smartphone interface and Audi tablet, compatible with Apple CarPlay and Android Auto, which provide interactive services using applications.

58. As exemplified in the information referenced in the above paragraphs and the use of one or more of the Accused Products, the Accused Products include at least one non-transitory computer-readable storage medium having a computer-readable program stored therein, the computer-readable program executable by a processor, said program comprising instructions when executed by a processor enables a provider device to at least receive information from a consumer device

related to one or more apps (e.g., icons, application names, media content identifiers and/or web content).

59. As exemplified in the information referenced in the above paragraphs and the use of one or more of the Accused Products, the Accused Products include a computer-readable program comprising sets of instructions to enable the processor to determine a second plurality of information based on at least a portion of the received information and exchange information between devices as recited in the claim.

60. Defendant AUDI AG knowingly encourages, aids, and directs others (e.g., end users and customers) to use and operate the Accused Products in an infringing manner. For example, AUDI AG encourages its users, including its customers, to purchase the Accused Products, and to access, use, and/or download applications using infotainment systems in violation of Aprese's patent rights.

61. Defendant Audi North Austin knowingly encourages, aids, and directs others (e.g., end users and customers) to use and operate the Accused Products in an infringing manner. For example, Audi North Austin encourages its users, including its customers, to purchase the Accused Systems, and to access, use, and/or download applications using infotainment systems in violation of Aprese's patent rights.

62. Defendant AUDI AG has specifically intended and continues to intend, for persons who acquire and use the Accused Products, including Defendant's customers, to use the Accused Products in a manner that infringes the '924 Patent. This is evident when Defendant AUDI AG encourages and instructs its customers and other end users in the use and operation of the Accused Products via

advertisements, technical materials, instructional materials, communications through their dealership network, and otherwise.

63. Defendant Audi North Austin has specifically intended and continues to intend, for persons who acquire and use the Accused Products, including Defendant's customers, to use the Accused Products in a manner that infringes the '924 Patent. This is evident when Defendant Audi North Austin encourages and instructs its customers and other end users in the use and operation of the Accused Products via advertisements, technical materials, instructional materials, communications through their dealership network, and otherwise.

64. With knowledge of the asserted patents, asserted claims, and how the Accused Products practice them, Defendant AUDI AG specifically intends the Accused Products to be used and operated to infringe one or more claims, including at least claim 9, of the '924 Patent.

65. With knowledge of the asserted patents, asserted claims, and how the Accused Products practice them, Defendant Audi North Austin specifically intends the Accused Products to be used and operated to infringe one or more claims, including at least claim 9, of the '924 Patent.

66. Defendants encourage, direct, aid, and abet the use, configuration, and installation of the Accused Products.

67. Defendants have instructed and continue to instruct customers and end-users how to use the Accused Products in an infringing manner.

68. Defendants have undertaken no effort to modify the Accused Products

or instruct customers or end-users how to avoid infringement.

69. Defendants' analysis and knowledge of the '924 Patent combined with their ongoing activity demonstrates Defendants' knowledge and intent that the identified features of its Accused Products be used to infringe the '924 Patent.

70. Plaintiff has been damaged by Defendants' infringement of the '924 Patent.

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 8,732,697

71. Plaintiff incorporates the above paragraphs herein by reference.

72. The '697 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

73. The Accused Products are used to facilitate access to applications on a computing device.

74. Defendant AUDI AG has infringed and continues to infringe one or more claims, including claim 34 of the '697 Patent by making, using, importing, selling, and/or, offering for sale the Accused Products in the United States without authority.

75. Defendant Audi North Austin has infringed and continues to infringe one or more claims, including claim 34 of the '697 Patent by making, using, importing, selling, and/or, offering for sale the Accused Products in the United States without authority.

76. Defendant AUDI AG has infringed and continues to infringe the '697 Patent directly in violation of 35 U.S.C. § 271.

77. Defendant AUDI AG has infringed and continues to infringe the '697

Patent through acts of inducement in violation of 35 U.S.C. § 271.

78. Defendant Audi North Austin has infringed and continues to infringe the '697 Patent directly in violation of 35 U.S.C. § 271.

79. Defendant Audi North Austin has infringed and continues to infringe the '697 Patent through acts of inducement in violation of 35 U.S.C. § 271.

80. Defendant AUDI AG encourages others, including their customers, to use the Accused Products in the United States without authority.

81. Defendant Audi North Austin encourages others, including their customers, to use the Accused Products in the United States without authority.

82. Claim 34 of the '697 Patent recites:

34. A computer program product (e.g., infotainment console software) for facilitating access to one or more applications by a computing device, the computer program product comprising at least one non-transitory computer-readable storage medium having computer-readable program code portions stored therein, said computer-readable program code portions comprising instruction for:

- a. determining one or more contexts associated with at least one of the computing device and a user of the computing device, the one or more contexts describing at least one of an environment (e.g., infotainment console support of Apple CarPlay and Android Auto) and an activity of the at least one of the user and the computing device (e.g., connecting/pairing with smartphone), whereby generating at least one contextual tag corresponding to the one or more contexts;

- b. identifying the one or more applications, wherein the one or more applications are associated with the at least one contextual tag, and wherein the one or more applications identified are one of:
 - a new application not present on the computing device (e.g., resident on smartphone only); and
 - an application present on the computing device, wherein the application existing on the computing device can use at least one of context and information as input; and
- c. enabling display of at least a part of information related to at least one of:
 - the one or more contexts; and
 - the one or more applications.

83. As exemplified in the information referenced in the above paragraphs and the use of one or more of the Accused Products, the Accused Products include at least one non-transitory computer-readable storage medium storing computer program code comprising instructions.

84. Instructions stored in the Accused Products determine one or more contexts associated with at least one of the computing device and a user of the computing device that describe an environment or user activity (e.g., connecting a smartphone to the vehicle's infotainment system) and generate at least one contextual tag corresponding to the context.

85. Instructions stored in the Accused Products identify an application associated with the contextual tag that can use the information as input and enable

display of the contextual information and application.

86. Defendant AUDI AG knowingly encourages, aids, and directs others (e.g., end users and customers) to use and operate the Accused Products in an infringing manner. For example, AUDI AG encourages others, including its customers, to purchase the Accused Systems, and to access, use and/or download applications using infotainment systems in violation of Aprese's patent rights.

87. Defendant Audi North Austin knowingly encourages, aids, and directs others (e.g., end users and customers) to use and operate the Accused Products in an infringing manner. For example, Audi North Austin encourages others, including its customers, to purchase the Accused Systems, and to access, use and/or download applications using infotainment systems in violation of Aprese's patent rights.

88. Defendant AUDI AG has specifically intended and continues to intend, for persons who acquire and use the Accused Products, including Defendant's customers, to use the Accused Products in a manner that infringes the '697 Patent. This is evident when Defendant Audi AG encourages and instructs its customers and other end users in the use and operation of the Accused Products via advertisements, technical materials, instructional materials, communications through their dealership network, and otherwise.

89. Defendant Audi North Austin has specifically intended and continues to intend, for persons who acquire and use the Accused Products, including Defendant's customers, to use the Accused Products in a manner that infringes the '697 Patent. This is evident when Defendant Audi North Austin encourages and instructs its

customers and other end users in the use and operation of the Accused Products via advertisements, technical materials, instructional materials, communications through their dealership network, and otherwise.

90. With knowledge of the asserted patents, asserted claims, and how the Accused Products practice them, Defendant AUDI AG specifically intends the Accused Products to be used and operated to infringe one or more claims, including at least claim 34, of the '697 Patent.

91. With knowledge of the asserted patents, asserted claims, and how the Accused Products practice them, Defendant Audi North Austin specifically intends the Accused Products to be used and operated to infringe one or more claims, including at least claim 34, of the '697 Patent.

92. Defendants encourage, direct, aid, and abet the use, configuration, and installation of the Accused Products.

93. Defendants have instructed and continue to instruct customers and end-users how to use the Accused Products in an infringing manner.

94. Defendants have undertaken no effort to modify the Accused Products or instruct customers or end-users how to avoid infringement.

95. Defendants' analysis and knowledge of the '697 Patent combined with their ongoing activity demonstrates Defendants' knowledge and intent that the identified features of its Accused Products be used to infringe the '697 Patent.

Plaintiff has been damaged by Defendants' infringement of the '697 Patent.

COUNT IV

INFRINGEMENT OF U.S. PATENT NO. 10,255,059

96. Plaintiff incorporates the above paragraphs herein by reference.

97. The '059 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

98. The Accused Products are designed to connect to provide interactive services using applications.

99. Defendant AUDI AG has infringed and continues to infringe one or more claims, including claim 1, of the '059 Patent by making, using, importing, selling, and/or, offering for sale the Accused Products in the United States without authority.

100. Defendant Audi North Austin has infringed and continues to infringe one or more claims, including claim 1, of the '059 Patent by making, using, importing, selling, and/or, offering for sale the Accused Products in the United States without authority.

101. Defendant AUDI AG has infringed and continues to infringe the '059 Patent directly in violation of 35 U.S.C. § 271.

102. Defendant AUDI AG has infringed and continues to infringe the '059 Patent through acts of inducement in violation of 35 U.S.C. § 271.

103. Defendant Audi North Austin has infringed and continues to infringe the '059 Patent directly in violation of 35 U.S.C. § 271.

104. Defendant Audi North Austin has infringed and continues to infringe the '059 Patent through acts of inducement in violation of 35 U.S.C. § 271.

105. Defendant AUDI AG encourages others, including their customers, to

use the Accused Products in the United States without authority.

106. Defendant Audi North Austin encourages others, including their customers, to use the Accused Products in the United States without authority.

107. Claim 1 of the '059 Patent recites:

1. A non-transitory computer-readable storage medium having at least a computer-readable program stored therein, said computer-readable program comprising a first set of instructions, at least one or more of accessing and executing said first set of instructions by a processor associated with a generator device enables said generator device to at least:

a. enabling a determination of an audio-visual content comprising at least one or more of a sample of an audio content and a sample of a visual content, wherein said determination is enabled due to at least a capture of a portion of a one or more of the sample of the audio content and the sample of the visual content, by at least a one or more sensors associated with said generator device;

b. determining a tag related information based on at least a portion of one or more of:

the sample of the audio content;

the sample of the video content;

c. enabling video transmission of at least said tag related information on a communication interface associated with said generator device, wherein said transmission enables a one or more computing devices to at least:

- i. determining a first contextual tag, wherein said first contextual tag comprises information determined based on at least a portion of said tag related information;
- ii. determining an application identification information based on at least a portion of said first contextual tag, said application identification information identifying an application, wherein at least a portion of at least one of said application and said application identification information can be one or more of identified, determined and selected based on at least a portion of information in an application repository, said application repository allows data associated with at least one or more of an application and an application identification information to be:
 - i. added to said application repository;
 - ii. updated in the said application repository;
 - iii. modified in the said application repository;
 - iv. deleted from said application repository;
- iii. enabling an activation of said application, wherein said activation comprises enabling a first execution of a second set of instructions associated with said application;
- d. receiving a first plurality of information on said communication interface associated with said generator device;
- e. determining, based on at least a portion of said first plurality of information, at least a one or more of:

- i. a second contextual tag; and
 - ii. a context value:
- f. determining a third set of instructions based on at least a portion of said second contextual tag; and
 - g. enabling a second execution of at least said third set of instructions on said processor associated with said generator device, wherein said second execution enables said processor to at least one or more of processing and accessing at least a portion of said context value.

108. As exemplified in the information referenced in the above paragraphs and the use of one or more of the Accused Products, the Accused Products include a provider device and consumer device, such as the Audi smartphone interface and Audi tablet, compatible with Siri, Alexa, and Google Assistant, which provide interactive services using applications.

109. As exemplified in the information referenced in the above paragraphs and the use of one or more of the Accused Products, the Accused Products include a non-transitory computer-readable storage medium having at least a computer-readable program stored therein, said computer-readable program comprising a first set of instructions, at least one or more of accessing and executing said first set of instructions by a processor associated with a generator device, enabling a determination of an audio-visual content comprising at least one or more of a sample of an audio content and a sample of a visual content, wherein said determination is enabled due to at least a capture of a portion of a one or more of the sample of the

audio content and the sample of the visual content, by at least a one or more sensors associated with said generator device.

110. As exemplified in the information referenced in the above paragraphs and the use of one or more of the Accused Products, the Accused Products include a non-transitory computer-readable storage medium having at least a computer-readable program stored therein, said computer-readable program comprising a first set of instructions, at least one or more of accessing and executing said first set of instructions by a processor associated with a generator device, determining a tag related information based on at least a portion of one or more of the sample of the audio content and/or the sample of the video content.

111. Defendant AUDI AG knowingly encourages, aids, and directs others (e.g., end users and customers) to use and operate the Accused Products in an infringing manner. For example, AUDI AG encourages others, including its customers, to purchase the Accused Systems, and to access, use and/or download applications using infotainment systems in violation of Aprese's patent rights.

112. Defendant Audi North Austin knowingly encourages, aids, and directs others (e.g., end users and customers) to use and operate the Accused Products in an infringing manner. For example, Audi North Austin encourages others, including its customers, to purchase the Accused Systems, and to access, use and/or download applications using infotainment systems in violation of Aprese's patent rights.

113. Defendant AUDI AG has specifically intended and continues to intend, for persons who acquire and use the Accused Products, including Defendant's

customers, to use the Accused Products in a manner that infringes the '059 Patent. This is evident when Defendant AUDI AG encourages and instructs its customers and other end users in the use and operation of the Accused Products via advertisements, technical materials, instructional materials, and communications through their dealership network, and otherwise.

114. Defendant Audi North Austin has specifically intended and continues to intend, for persons who acquire and use the Accused Products, including Defendant's customers, to use the Accused Products in a manner that infringes the '059 Patent. This is evident when Defendant Audi North Austin encourages and instructs its customers and other end users in the use and operation of the Accused Products via advertisements, technical materials, instructional materials, and communications through their dealership network, and otherwise.

115. With knowledge of the asserted patents, asserted claims, and how the Accused Products practice them, Defendant AUDI AG specifically intends the Accused Products to be used and operated to infringe one or more claims, including at least claim 1, of the '059 Patent.

116. With knowledge of the asserted patents, asserted claims, and how the Accused Products practice them, Defendant Audi North Austin specifically intends the Accused Products to be used and operated to infringe one or more claims, including at least claim 1, of the '059 Patent.

117. Defendants encourage, direct, aid, and abet the use, configuration, and installation of the Accused Products.

118. Defendants have instructed and continue to instruct customers and end-users how to use the Accused Products in an infringing manner.

119. Defendants have undertaken no effort to modify the Accused Products or instruct customers or end-users how to avoid infringement.

120. Defendants' analysis and knowledge of the '059 Patent combined with their ongoing activity demonstrates Defendants' knowledge and intent that the identified features of its Accused Products be used to infringe the '059 Patent.

121. Plaintiff has been damaged by Defendants' infringement of the '059 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendants AUDI AG and Audi North Austin:

1. declaring that the Defendant AUDI AG has infringed the '155, '924, '697, and '059 Patents;
2. declaring that the Defendant Audi North Austin has infringed the '155, '924, '697, and '059 Patents;
3. awarding Plaintiff its damages suffered as a result of Defendant AUDI AG's infringement of the '155, '924, '697, '059 Patents;
4. awarding Plaintiff its damages suffered as a result of Defendant Audi North Austin's infringement of the '155, '924, '697, '059 Patents;
5. awarding Plaintiff its costs, attorneys' fees, expenses, and interest; and
6. granting Plaintiff such further relief as the Court finds appropriate.

JURY DEMAND

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: January 3, 2022

Respectfully Submitted



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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2022, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Cabrach Connor
Cabrach Connor